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### **Direct democracy in the Slovak Republic**

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## ABSTRACT

Since Slovakia's transition from authoritarian rule to democracy and the rule of law in 1992, the Slovak people are empowered to participate in the decision-making of the state by means of the popular initiative and the referendum. Although seven referendums have been held in the Slovak Republic so far, only one was considered valid. This paper aims to illustrate the reasons for this scarce success of popular votes and gives a brief insight into the significance of direct democracy in the Slovak Republic. To this purpose, it will set out the instruments of direct democracy provided in Slovakia and the experiences made therewith.

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## **Introduction**

Since gaining independence from Czechoslovakia on January 1, 1993, seven referendums have been held in the Slovak Republic, six of which were declared invalid due to not reaching the prescribed participation threshold of 50% of the electorate. The most recent example is the referendum of September 18, 2010 which was declared invalid with all its six proposals.

The new democratic constitution of September 1, 1992 (Slovakian Constitution<sup>1</sup>, CS) puts the people in the position of the legislature and offers them the possibility to initiate referendum proceedings by launching a popular initiative. Despite the new democratic rights which the Slovak population enjoys since the transformation from authoritarian rule, there seems to be no real will to make use of these rights to participate in the decision-making process of their state, despite the fact that the voter turnout in Slovakian elections is normally rather high.

This paper gives an overview of the popular votes held since Slovakia's independence, namely by presenting the subject matter, the political context and the results of the referendums. It concludes with an attempt to explain the deficiencies of the direct democratic system in the Slovak Republic.

## **1 Instruments of direct democracy in the Slovak Republic**

Chapter five of the Slovak CS splits the legislative power into Section one on the national council of the Slovak Republic (article 72seq.) and the referendum in Part two (article 93seq.). The latter implies the incorporation of the people in the legislative power of the state by means of popular vote. Article 100 of the CS refers to the Referendum Law of 1992<sup>2</sup>, which contains detailed regulations on the holding of referendums. The following participatory rights of the Slovak people are provided by the constitution:

### **1.1 Mandatory referendum**

Pursuant to article 93 par. 1 and article 7 par. 1 CS, it is mandatory to hold a referendum on a constitutional law on the accession of Slovakia to a union with other states or the secession from such. When this provision was incorporated into the 1992 CS, its purpose was to regulate the relations with regard to Czechoslovakia. However, the mandatory referendum was never applied as the separation from Slovakia and the

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<sup>1</sup> Constitution of the Slovak Republic of September 1, 1992, Collection of Laws no. 460/1992).

<sup>2</sup> Referendum Law of November 19, 1992, Collection of Laws no. 564/1992.

Czech Republic became effective on January 1, 1993 as a result of political agreements (Belko/Kopeček, 2003:194).

## 1.2 Recall of the president

By Constitution Law No. 9 adopted on January 14, 1999<sup>3</sup> the National Council introduced the direct election of the presidency and a popular vote on the recall of the president. After an attempt to establish direct presidential elections failed to reach the necessary turnout in the popular vote held on May 24, 1997, Constitutional Law No. 9 established the new ruling in article 101 par. 2 CS. The said law also amended par. 2 of article 106 CS in as much as an accordant resolution of the national council on the recall of the president further requires the approval of the majority of all citizens entitled to vote (par. 2) (Bárány/Brhlíková/Colotka, 2001:173seq.). So far there has not been an attempt to recall the president of Slovakia.

## 1.3 Optional referendum

The legal foundation for optional referendums can be found in article 93 par. 2 CS, which limits the subjects of the referendums to 'important issues of public interest'. However there is no accredited definition of what this constraint exactly entails (Bárány/Brhlíková/Colotka, 2001:172). By excluding issues of fundamental rights and freedoms, taxes, duties or issues on state budget, article 93 par. 3 CS further restricts the scope of possible topics that can be put to a popular vote. In accordance with its systematic placement in the Constitution, an optional referendum can be targeted for a legislative change and, as to a decision of the Slovak Constitutional Court, on constitutional issues as well.<sup>4</sup>

### a. Popular initiative

As to article 95 par. 1 CS, the president will declare the holding of a referendum on a petition submitted and signed by at least 350,000 citizens. As will be seen further on, the popular initiative became a standard tool for the political opposition to achieve the submittal of their proposals to a popular vote against the will of the ruling majority (Möckli, 1996:24seq.).

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<sup>3</sup> Constitutional Law No. 9 of January 14, 1999, Collection of Laws no. 9/1999.

<sup>4</sup> Constitutional Court judgment of May 21, 1997, published in File Ref. II, US 31/97 of the Slovak collection of laws.

b. Resolution of the national council to hold a referendum

Pursuant to article 95 par. 1 CS, a resolution passed by the national council can trigger proceedings of a referendum as well. According to article 96 par. 1 CS, this resolution can be initiated by means of a proposal submitted by a member of parliament or by a citizen petition as per article 27 CS.

c. Common rules with regard to the optional referendum

In cases of doubt about the constitutionality of a popular initiative or a resolution, article 95 par. 2 CS allows the president to submit the proposal to the constitutional court before declaring the holding of a national referendum. This optional content related assessment of the submittals aims at ensuring the safeguarding of the constitutional order and constitutes an important control mechanism in transitional countries. However, according to article 95 par. 1 and 2 CS the referendum has to be held within 120 days after the receipt of an initiative or a resolution. Article 98 par. 1 CS predicates the validity of a referendum on the participation of the absolute majority of the eligible voters and its approval by a majority of the valid votes cast. As will be shown, this threshold distorted the results of the votes held so far and presents the main hurdle for the functioning of direct democracy in Slovakia. Finally, as to par. 2, the national council promulgates the results adopted by a valid referendum as law. This provision is very ambiguous, as it does not imply that the results of the votes are legally binding, but merely the procedural aspects of the referendum results (Láštic, 2007:190).

Another ambiguity exists with regard to the legal impacts of the referendum results. Hence, article 99 par. 1 CS provides that the results can be amended or repealed by a constitutional law passed by the national council after a period of three years. Additionally, the Constitutional Court has determined in the judgment mentioned before that referendum results do not have a binding effect with regard to constitutional amendments.<sup>5</sup>

## **2 Direct democracy in practice**

Seven popular votes have been held so far in the Slovak Republic, six of which were declared invalid as less than half of the electorate participated in the voting.

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<sup>5</sup> More hereto below in 2.1.b.



## 2.1 Referendums held during the 1990s

- a. Referendum of October 22, 1994 on the retrospective disclosure of financial transactions regarding privatization

After the very first attempt by Vladimir Mečiar, leader of the majority People's Party *Movement for a Democratic Slovakia* (HZDS), to trigger a referendum failed in early 1994, the National Council passed a resolution in July 1994 on the holding of a referendum based on an initiative brought about by the opposition, the Union of Slovak Workers (ZSR). As the subject matter concerned the delicate issue of privatization, the referendum was accompanied by intense political controversies. The National Council solved the issue by passing a law on exactly the same subject matter even before the referendum was held. Aware of the fact that the result of the referendum scheduled for October 22, 1994 would not have any further impact, many voters did not participate at all. Consequently, the vote had to be declared invalid by the Central Election Commission, as the turnout reached only 19.97%, instead of the required 50% threshold<sup>6</sup> (Láštic, 2007:191). By campaigning for the initiative proposal, however, the ZRS were successful, in that they gained the public's attention and thus successfully moved into the National Council on the occasion of the 1994 elections (Belko/Kopeček, 2003:3seq.).

- b. Referendum of May 24, 1997 on the direct election of the president and three submittals regarding the NATO accession

In order to prevent the governing HZDS and its coalition under Prime Minister Mečiar from taking power once the incumbent President Kováč's term of office had expired, the opposition submitted a proposal to the National Council for the adoption of a resolution to call a referendum on the introduction of direct presidential elections. After the ruling coalition opposed the proposal, the opposition – aware of the significance of the topic and aiming at increasing their political support by the people – succeeded in launching a popular initiative by submitting 521,000 signatures, (Láštic, 2007:192seq.).

In order to avert the public's attention from the opposition's initiative proposal, the governing majority in the National Council then passed a resolution on the calling of a referendum. With Slovakia's NATO accession as subject matter, the coalition was aware of the potentially controversial nature of the topic and the public attention it would attract. Although the political attitude of the governing HZDS has always been against NATO membership, the coalition now assumed a supportive position for tactical reasons (Belko/Kopeček, 2003:4seq.). The ballot question of a NATO accession was supplemented by two other, rather secondary questions on

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<sup>6</sup> Detailed results: [http://www.c2d.ch/detailed\\_display.php?lname=votes&table=votes&page=1&parent\\_id=&sublinkname=results&id=131103](http://www.c2d.ch/detailed_display.php?lname=votes&table=votes&page=1&parent_id=&sublinkname=results&id=131103) (last accessed 6.9.2012).

the deployment of nuclear weapons and the deployment of military bases on Slovak territory. Consequently, President Kováč decided to submit all four questions to the referendum in order to reach higher voter participation and therefore the validity of the referendum. To combat the opposition's proposal, the governing coalition filed a complaint with the Constitutional Court on the constitutionality of the initiative. With its ruling of May 21, 1997, the court established that the subject matter of an initiative according to article 93 par. 1 CS can indeed be of a constitutional nature, but that the referendum results in such cases are to be considered as mere 'recommendations' to the parliament to amend the constitution, rather than being legally binding.<sup>7</sup> Furthermore it ruled that the initiative proposal was incomplete, as it did not contain the necessary explanatory brochure prescribed by article 2 par. 3 of the Referendum Law. This judgment caused confusion, which was exploited by the governing coalition. Consequently, the Ministry of the Interior printed ballot slips, which did not contain the ballot question with regard to the direct election of the president (Belko/Kopeček, 2003:5). The opposition parties then called on their voters to boycott the referendum scheduled for May 24, 1997. As a result, this referendum had to be declared invalid by the Central Electoral Commission, not for the reason that only 9.8% of the electorate cast their votes, but because the vote did not comply with the rules, since the ballot papers only contained three, instead of the four questions as promulgated by the President.<sup>8</sup>

After several political confrontations, the Constitutional Court ruled that by leaving out the fourth ballot question, the Ministry of the Interior violated the constitutional rights of the citizens.<sup>9</sup> Thereupon President Kováč promised to repeat the referendum in April 1998. But already in March 1998, his presidential term expired and as the Parliament was unable to form a majority to appoint a new president, Prime Minister Mečiar assumed a number of important presidential powers. He revoked the repetition of the referendum and pardoned everyone involved in the 1997 referendum. As a result, the political confrontation and polarization in Slovakia was intensified (Láštic, 2007:194).

c. Referendum of September 26, 1998 on the prohibition of the privatization of strategically important enterprises

The referendum held in 1998 had a smaller impact and was politically less contentious (Belko/Kopeček, 2003:6). In order to increase voter support again, the ruling coalition under Mečiar's HZDS submitted an initiative for the holding of a referendum on the prohibition of the privatization of strategically important enterprises. Although the vote was scheduled

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<sup>7</sup> Cf. FN 3.

<sup>8</sup> Results on: [http://www.c2d.ch/votes.php?level=1&country=257&=0&=0&year=specificyears&speyear%5B%5D=1997&result=0&terms=&table=votes&sub=Submit\\_Query](http://www.c2d.ch/votes.php?level=1&country=257&=0&=0&year=specificyears&speyear%5B%5D=1997&result=0&terms=&table=votes&sub=Submit_Query) (last accessed 06.09.2012).

<sup>9</sup> Unpublished ruling of the Constitutional Court of 09.01.1998.

contemporaneously with the parliamentary elections, it failed again due to a low voter turnout of only 44%, while the turnout for the elections amounted to 84.22%.<sup>10</sup> Not only with regard to the referendum but also with regard to the election outcome, the coalition had to accept a defeat and from then on assumed the position of the opposition. Shortly after, the HZDS and the Slovak National Party (SNS) launched an initiative for a new attempt of their proposal and succeeded in gathering enough signatures. Besides the prohibition of the privatization of strategic enterprises, the petition contained a proposal to make it impossible for a minority language to become an official language. However, a referendum was not called, as in August 1999 the then newly elected President Schuster concluded that the proposals were unconstitutional, firstly by violating article 99 par. 2 CS, which contains a moratorium of three years for resubmitting the same question to popular vote, and secondly by violating article 93 par. 3 CS, which excludes issues related to fundamental rights and freedoms from being decided by popular vote (Láštic, 2007:194).

## 2.2 Referendum of November 11, 2000 on the holding of early general elections

By collecting 700,000 signatures, the opposition parties HZDS and SNS, who blamed the governing coalition for the disastrous economic and social conditions in Slovakia, launched a popular initiative on the amendment of the electoral law in order to hold early general elections. Once again, the subject matter gave rise to political struggles and controversies, and the governing coalition called on the voters to boycott the referendum once more. Hence, it is not surprising that on November 11, 2000 only 19.98% of the electorate participated and the vote had to be declared invalid yet again.<sup>11</sup>

## 2.3 Referendum of May 17, 2003 on Slovakia's accession to the European Union

The resolution passed by the National Council on January 21, 2003, which called for a referendum on the accession of Slovakia to the EU, was the very first – and as it turns out – the only resolution passed in accordance with article 95 par. 1 CS and with the agreement of the main political parties of Slovakia (Láštic, 2007:194). Even the Eurosceptic HZDS

<sup>10</sup> Results on: [http://www.c2d.ch/detailed\\_display.php?lname=votes&table=votes&page=1&parent\\_id=&sublinkname=results&id=37786](http://www.c2d.ch/detailed_display.php?lname=votes&table=votes&page=1&parent_id=&sublinkname=results&id=37786) (last accessed 06.09.2012).

<sup>11</sup> Result on: [http://www.c2d.ch/detailed\\_display.php?lname=votes&table=votes&page=1&parent\\_id=&sublinkname=results&id=38527](http://www.c2d.ch/detailed_display.php?lname=votes&table=votes&page=1&parent_id=&sublinkname=results&id=38527) (last accessed 06.09.2012).

abstained from launching a counter-campaign. This unanimity can be explained with the relation of Slovakia to the EU before the accession, or more precisely, with Slovakia's exclusion from the integration process, due to the Mečiar government during the 1990s. The fact that the EU criticized Slovakia for not having accomplished any democratic progress as the only post-communist country, sidelined the state with regard to its foreign relations and impeded economic progress. Hence the EU accession became a question of vital interest for Slovakia (Belko/Kopeček, 2003: 5).<sup>12</sup>

a. Legal foundation of the referendum

The referendum scheduled for May 16 and 17, was not mandatory as it was not held pursuant to article 93 par. 1 CS in combination with article 7 par. 1 CS. As mentioned before, these provisions were enacted merely to be applied with regard to the relations of former Czechoslovakia and could therefore not serve as a legal basis for the calling of a popular vote on the accession to the EU (Albi, 2005:68). Rather, the National Council made use of its competence provided by article 7 par. 3 CS and 4<sup>13</sup>, according to which it is empowered to approve an international treaty on the transfer of parts of Slovakia's powers to the European Union. Hence the National Council was not obliged by law to obtain the approval of the Slovak people. Nevertheless, on January 21, 2003 it submitted a resolution to the President to call a referendum on a 'crucial issue of public interest' according to article 93 par. 2 and article 95 par. 1 CS.

b. Results and explanation

Finally, on May 16 and 17, 52.12% of Slovak voters participated in the referendum and an overwhelming 93.71% approved of the EU accession.<sup>14</sup> Although this was the very first referendum to be valid due to the achieved turnout of 50%, it is remarkable that the threshold was just barely passed, despite the general interest of the Slovak people to join the EU.

This lack of interest and the consequent abstention can be explained firstly with the generally low will of the Slovak people to participate in the decision-making of the state by means of a referendum.<sup>15</sup> Furthermore the mentioned unanimity of the political parties raised the general expectation

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<sup>12</sup> See also Láštík, 191seq.; Henderson, 653seq.

<sup>13</sup> Introduced by Constitutional Law No. 90 of February 23, 2001 in order to prepare the country for a membership in the EU and NATO. More hereto in Malová Darina/Láštík Erik, 'The Gradual Amending of the Slovak Constitution: Combating the Ambiguous Rules in 1992-2001', Central European Political Science Review, Vol. 2, 4/2001, 103-128.

<sup>14</sup> Result on [http://www.c2d.ch/detailed\\_display.php?lname=votes&table=votes&page=1&parent\\_id=&sublinkname=results&id=39083](http://www.c2d.ch/detailed_display.php?lname=votes&table=votes&page=1&parent_id=&sublinkname=results&id=39083) (last accessed 06.09.2012).

<sup>15</sup> More hereto below in 3.3.

that the National Council would in any case ratify the accession treaty, based on article 4 par. 2 and 4 CS, regardless of whether the people would reject an accession by popular vote, or if the vote would be declared invalid due to a low participation. Also the extent of the campaigning is known to play a role with regard to the turnout results. While dominating the 2002 election campaign, accession to the EU was based on a cross-party approval, with no counter-campaign launched at all. This absolute lack of disagreement between the political elites during the entire process preliminary to the vote and the – at the same time – rather modest amount of campaigning in favor of the accession resolution thwarted the mobilization of both proponents and opponents of the accession to cast their votes.<sup>16</sup> Finally, by abstaining from voting, people could express their dissatisfaction with the government and their current situation (Belko/Kopeček, 2003:6seq.).

#### 2.4 Referendum of April 3, 2004 on the holding of general elections

Due to dissatisfaction with the ruling center-right coalition, the Trade Union Confederation (KOZ) and the oppositional Social Democratic Party (Smer) collected over half a million signatures in order to call a referendum on the holding of early parliamentary elections. In order to ensure sufficient voter participation, the President scheduled the referendum on the same day as the presidential elections. As he was opposed to the government and the ruling coalition, his tactical approach caused intense political struggles and led the governing parties to ask their voters to boycott the referendum (Láštic, 2007:195). Consequently, also the referendum of April 3 had to be declared invalid by the Electoral Commission, as the turnout amounted to only 35.86%, while 87.91% voted in favor of the proposal.<sup>17</sup>

#### 2.5 Referendum of September 18, 2010 on the reform package

On February 17, 2010 the liberal Freedom and Solidarity party (SaS), which was not represented in the National Council, submitted 398,089 signatures in order to launch a popular initiative. The initiative contained six different proposals targeting a restriction of the excessive privileges of political elites. Due to frequent accusations of corruption and exploitation by these, the SaS was well aware of the public attention that could be attracted by this issue and of the opportunity to raise its own profile.<sup>18</sup>

<sup>16</sup> More details hereto in: Henderson, 655seq., 662seq.

<sup>17</sup> Results on: [http://www.c2d.ch/detailed\\_display.php?lname=votes&table=votes&page=1&parent\\_id=&sublinkname=results&id=38941](http://www.c2d.ch/detailed_display.php?lname=votes&table=votes&page=1&parent_id=&sublinkname=results&id=38941) (last accessed 06.09.2012).

<sup>18</sup> See hereto: 'Slovakia's voters: Whatever', The Economist online from 20.9.2010: <http://www.economist.com/blogs/easternapproaches/2010/09/>

Accordingly, the six initiative proposals were the following: 1. Abolition of concession fees for broadcasting and television, 2. Curbing parliamentary immunity from criminal prosecution, 3. Reduction of the number of parliamentary seats, 4. Price ceiling for official vehicles driven by office holders, 5. Introduction of Internet elections, and 6. Abolition of the right of reply for office holders.

As a matter of fact, by including these proposals into its election campaign, the SaS succeeded in crossing the 5% threshold necessary to enter parliament in the elections held on June 12, 2010 and itself became part of the ruling center-right coalition.<sup>19</sup> Four of the six proposals, i.e. the curbing of parliamentary immunity, the canceling of TV and radio license fees, the introduction of Internet voting and the abolition of the right of reply, were thereupon included in the political program of the coalition. Nevertheless, the initiative proposals caused political contention once again, and were condemned as 'political advertising of a single party'.<sup>20</sup> Consequently, some leaders of the ruling coalition announced that they would not participate in the vote scheduled for September 18, 2010 and the opposition called their voters to boycott the referendum.<sup>21</sup>

The outcome of the referendum scheduled for September 18, 2010 merely confirmed the experiences made with the popular votes held until then in Slovakia: While the proposals reached an overwhelming support varying between 76.02% and 98.21%, only 22.84% of the 4.3 million eligible voters participated – thus far short of the required 50%.<sup>22</sup>

## 2.6 Conclusions

To sum up, the referendums held in Slovakia so far seem to follow a consistent pattern. Accordingly, they have always been triggered by the political opposition parties or by parties aiming at attracting public attention in order to increase voter support and electoral success. Nothing else can be said with regard to the EU accession vote, where even parties like the HZDS and the SNS, which are mainly in the opposition, abstained from launching anti-accession campaigns. Linked with this aim to raise the party profile, the proposals submitted to popular vote generally implied politically controversial issues and thus entailed that the processes preliminary to the referendums were characterized by heavy political

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[slovakias referendum](#) (last accessed 06.09.2012).

<sup>19</sup> Information based on the Report of the Slovak Spectator of 29.6.2010, online on: [http://spectator.sme.sk/articles/view/39405/10/slovak\\_president\\_gasparovic\\_will\\_announce\\_a\\_sas\\_initiated\\_referendum.html](http://spectator.sme.sk/articles/view/39405/10/slovak_president_gasparovic_will_announce_a_sas_initiated_referendum.html) (last accessed 06.09.2012).

<sup>20</sup> The Economist online from 20.9.2010.

<sup>21</sup> The Slovak Spectator of 17.7.2010, available online on: [http://spectator.sme.sk/articles/view/39559/2/sas\\_accuses\\_president\\_of\\_sabotaging\\_referendum.html](http://spectator.sme.sk/articles/view/39559/2/sas_accuses_president_of_sabotaging_referendum.html) (last accessed 06.09.2012).

<sup>22</sup> All results accessible in the country profile of Slovakia on: <http://www.c2d.ch/votes.php?table=votes>.



struggles. Hence, it is not surprising that this uniform image of Slovakian referendums also encompasses a general indifference to voting on the part of the Slovak people.

### **3 Explanation of the low voter turnout in Slovakia's referendums**

An online blog on The Economist website considered the failure of the most recent 2010 referendum in connection with the revocation of six of the seven referendums held so far in Slovakia as a 'referendum apathy of the Slovak people'<sup>23</sup>. This apathy can be explained by several factors, some of which are summarized below.

#### **3.1 Institutional factors**

One of the central institutional problems of the Slovak Republic is the general lack of clarity in the 1992 Constitution, which allows political elites and statesmen to interpret the regulations to their own benefit (Bárány/Brhlíková/Colotka, 2001:172). In particular, this relates to the relation between representative and direct democracy. As to article 2 par. 1 CS 'the state power derives from the citizens', who exercise their political rights directly or through their elected representatives. Accordingly, Chapter 5 of the Constitution, regulating the legislative power, dedicates the second section to the referendum as means of participation in the decision-making process of the state. In the first section however – or more precisely in article 72 – the Constitution prescribes the national council to be the 'sole constitutional and legislative body of the Slovak Republic' and article 86 lit. a, allocates the power to decide upon the constitution, constitutional laws and other laws to the parliament. This raises the assumption of the supremacy of the representative system and of the non-binding effect of popular decisions. This assumption is confirmed by article 99 par. 1 CS, according to which results of a referendum are binding for three years, but can be amended or revoked by constitutional law by the national council thereafter.<sup>24</sup> Furthermore the Constitutional Court's ruling of May 21, 1997 clarified that referendums implying constitutional amendments are to be considered as mere recommendations to the national council, which has the final say based on article 72 and article 86 lit. a CS.

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<sup>23</sup> The Economist online from 20.9.2010.

<sup>24</sup> Another way of interpretation is that this article provides the referendum outcome with a supra-legal effect, as it can only be changed or revoked by the passing of a constitutional law, see: Láštík, 190.

Moreover, the high number of required signatures (350,000) as stipulated by article 95 par. 1 CS, constitutes a hurdle for the people to launch an initiative and to trigger a referendum against the will of the parliamentary majority.

Another institutional problem is the validity threshold for referendums prescribed by article 99 par. 1 CS, as it enables opponents to scupper a referendum proposal by simply not participating in the ballot. These abstentions, however, are means to distort the referendum results and, as experiences in Slovakia have shown, the political parties opposed to a proposal have, for this reason, made frequent use of calling on their voters to boycott a referendum.

### 3.2 Political factors

Ever since its transition from socialist rule to the rule of law on January 1, 1993, Slovakia's political landscape has been characterized by a strong political polarization between a liberal urban and a conservative rural electorate, still tolerant towards the former conditions.<sup>25</sup> These leading parties, which alternate in taking governmental power, follow fundamentally different political objectives.

As the experiences showed, the actual functioning of instruments of direct democracy, introduced to enable the people to participate in the decision-making of the state, has been hindered in Slovakia by political parties, which use these for their own profiling. By choosing topics of a high populist significance, parties aim at catching the people's interest, in particular by launching the campaigning before the scheduled general elections. Thus, it seems that the primary aim of referendum campaigns has always been to gain voter support in order to be elected to or to gain more seats in the National Council (Henderson, 2004:658). Also, with regard to the accession of Slovakia to the EU, the tactical political approach became obvious, when in order to not gamble away voter support, even the parties that were originally opposed to an accession changed their position. Moreover, so far all popular initiatives in Slovakia were launched by opposition parties, which due to their minority status were not able to pass a resolution in the National Council for the calling of a referendum according to article 95 par. 1 CS. This substantiates the popular initiative's main usage as means for the minority parties to trigger a popular vote against the will of the governing majority.

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<sup>25</sup> 'Ein polarisiertes Land sucht seinen Präsidenten', Neue Zürcher Zeitung (NZZ) article from 21.3.2009, online on: <http://www.nzz.ch/aktuell/startseite/ein-polarisiertes-land-sucht-seinen-praesidenten-1.2233855> (last accessed on 06.09.2012).



As mentioned before, the subject matters of the initiative proposals were politically controversial and aimed at profiling the own party at the expense of the opposing parties. That explains why the campaigns preceding the referendums were dominated by political struggles, especially between members of the governing coalition and the opposition.

Furthermore, the Constitution empowers the president to influence the outcome of a referendum by choosing the voting date. As to article 95 and 96 par. 2 CS, he is only obliged to schedule it within 120 days after the receipt of the initiative or the resolution, and according to article 98 par. 1 CS, not less than ninety days before parliamentary elections. Article 98 par. 2 CS is relevant, as it allows the president to schedule a referendum on the same date as the parliamentary elections. Although this has not been confirmed by the referendum outcomes so far, the political experiences have proven that the president may be tempted to schedule a ballot according to his or her own political preferences. Thus, the president could schedule a referendum, of which he or she is in favor, so that it would take place on the same day as the general elections, with the hope of thereby increasing the turnout and ensuring the validity of the proposal. Or conversely, the president can abstain from scheduling the vote together with the election, if he or she opposes a referendum proposal and hopes to decrease its chances of achieving a sufficient voter turnout.

### 3.3 People's personal attitude towards participation in the decision-making

The experiences with the Slovak referendums held so far prove a lack of motivation on the part of the Slovak people to participate in the decision-making in matters of state. The institutional inconsistencies related to the constitution and the political landscape of Slovakia play an important role in this.

From the perspective of the voters, the abstention can be reasoned firstly by the discontent of the people with their representatives and the political elite. The deep political polarization and populism imply that the referendum procedures follow a general pattern, namely that the ballot question, the campaigns, the legal status and the results have always been issues of heavy political debates, which put Slovakia's political and economic stability into question (Láštík, 2007:189). Furthermore, this raised the people's disbelief in the value of direct democracy as means of participation in the decision-making of the state. So far the voters have been consulted merely on issues which were of value to the political parties, for these to strengthen their political profile in order to achieve voter support and election success. On the other hand, the probably most important decision in Slovakia's history, namely on its independence, was

decided without involving the electorate and by circumvention of the constitutional provisions (Bárány/Brhlíková/Colotka, 2001:177seq.). Moreover, the referendum of 1997 showed that it is in the hands of the rulers to manipulate the referendum processes and to control the impacts of their outcomes, without being held accountable in any way. Thus, the referendum apathy of the Slovak people can be explained with the general opinion emerging from the experiences made with regard to the popular initiatives, as well as the fact that referendums have been an instrument of political parties seeking public attention and voter support, rather than a means to enable governance by the people according to the principles of democracy.

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